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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,324	11/26/2003	Lingan Satkunanathan	MS302986.01	9466
27195	7590	08/03/2005	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			AUGUSTIN, EVENS J	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6A

Office Action Summary	Application No. 10/723,324	Applicant(s) SATKUNANATHAN ET AL.	
	Examiner Evans Augustin	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-18, 20-33 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18, 20-33, 35-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

This is in response to an amendment file on June 30th, 2005 for letter for patent filed on November 26th, 2003. In the amendment, claims 1, 6, 11, 20, 29, 35 and 40 have been amended. Claims 5, 19, 34 have been cancelled. Claims 1-4, 6-18, 20-33 and 35-43 are pending in the letter.

Response to Arguments

1. Applicant's arguments filed June 30th, 2005 have been fully considered but they are not persuasive.

Applicant argues that the prior arts fail to teach an inventive concept of checking for the validity of license periodically. Examiner respectfully disagrees with applicant's characterization of the prior arts' inventive concept directed to a method/system for distributing and ensuring the licensing protocols of software products are being met. Applicant claims that the prior art does not teach the aspects of checking for the validity of licensing periodically. An event is periodic if that particular happens from time to time. As such, Christiano teaches a license management system suitable for licensing and managing the usage of software products. The system checks or validates the licensing associated with software products whenever a user launches a licensed product, which occurs from time to time (column 10, lines 25-67, column 11, lines 1-10, column 17, lines 55-67, column 18, lines 62-67). If system cannot ensure the validity of a license, it takes corrective actions accordingly (column 19, lines 1-67).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Christiano (U.S. 5,671,412).

As per claims 1-43, Christiano discloses a license management system comprising of:

- Determining/monitoring the number of licenses currently in use (column 7, lines 1-45) – *Claims 1, 29,*
- Taking/initiating corrective actions if the number of licenses in use exceeds the number of licenses allowed (column 7, lines 47-67) – *Claims 1, 29*
- The license server keeps track of how many licenses are currently checked out and thus can quickly determine if the maximum number of licenses for a program are in use (column 7, lines 9-12) and take corrective actions (column 7, lines 47-67) - *Claim 11*
- Corrective action includes a warning (column 7, lines 60-61) – *Claims 2, 37*
- Correction action also includes quitting and not allowing the program to be activated (column 7, lines 65-66), therefore denying users access to the application – *Claims 3, 38*
- License server (license store), and a license database that houses license data (column 3, lines 63-64, column 4, lines 11-13) – *Claim 4*
- A diagnostic function that mitigates various license problems (column 3, lines 18-19) – *Claim 8*

- Christiano's invention teaches a "fail safe" mechanism that may allow a license not to be denied (bypass) (column 4, lines 24-26) when the license has been tampered with/corrupted (column 19, lines 19- 21, column 20, lines 21-22, column 18, lines 24-35). A "fail safe" (bypass) mechanism may check a range of server IP addresses to find an network address within a specified range, that can deliver another copy of the licensed program to the client (column 26, lines 9-44). It is well known that each network address represents the location of a computer on a network. Therefore, each server on a particular address range represents a "backup store" for the licensed program/data – *Claims 6-9, 35*
- If the fail safe mechanism cannot be implemented and there's a violation, the system can quit/shutdown the program (column 7, lines 63-67)- *Claims 10-11, 17, 38*
- In order for program/license to be "checked out", certain information such as user name, host name of client computer system is obtained (log in) (column 4, lines 66-67) – *Claims 12 and 13*
- A diagnostic function which can run and be initiated anytime the user is operating the client computer (column 21, lines 25-28), and can diagnose any program normally available on the client's computer (column 25, lines 15-17) – *Claim 14*
- Corrective action includes a warning (column 7, lines 60-61) – *Claim 15*
- Correction action also includes quitting and not allowing the program to be activated (column 7, lines 65-66) – *Claim 16*
- License server (store), and a license database to house license data (column 3, lines 63-64, column 4, lines 11-13) – *Claim 18*

- Verifying the validity of license data (column 27, lines 66-67)
- License server/store receiving license request (column 4, line 15), keeping track of licenses being used and taking corrective action if licensing agreement is being violated (column 7, lines 47-67) - *Claim 20*
- Information such as “check out” license and activation data can be logged/saved by the system (column 18, lines 57-lines). It is inherent that a software program has to be installed before being used - *Claims 21, 40*
- License data includes the number of licenses available for a particular program (column 14, line 65) – *Claim 22*
- Christiano teaches a license management system in which license is granted, based on how much time has elapsed since the licensed program has been in operation (column 7, lines 20-30). In order to establish how much time has elapsed, a beginning time (issue date) is necessary – *Claim 23*
- Christiano teaches assigning a unique identifier to a hardware (column 1, lines 28-29), and assigning a unique key to each license (column 7, lines 21-22, lines 65-67) – *Claim 24*
- The license is denied to the client when the client when the client violates the licensing policy (column 4, lines 20-24). Christiano’s invention teaches a “fail safe” mechanism that allows licenses not to be denied (bypass) (column 4, lines 24-26). Therefore, licenses can be “checked out” when there are no licenses available (column 17, lines 17-21) – *Claim 25*

- Bypass mechanism checking a range of IP addresses when failures occur to find an IP address within the specified range that can deliver the licensed program to the client (column 26, lines 9-44) – *Claim 26*
- Client computer having display interface to output data (column 6, line 17, column 25, line 46) – *Claims 27,28*
- Comparing the number of licenses currently in use plus requested against the number of licenses to be used concurrently (column 19, lines 65-67) – *Claims 30, 31, 33*
- If the number of licenses currently being used plus requested is greater than the number of licenses available, then there may be a violation (column 20, lines 1-13) – *Claim 32*
- License data can be encrypted (column 10, lines 48-49) – *Claim 36*
- Computer readable medium, carrying instructions for license management system (column 6, lines 19-59) – *Claims 39 and 43*
- Transmitting a license request including information such as client computer identifier (column 21, line 42) and identification information for licensed product (column 10, lines 44-45, column 16, line 30) to a license database. A status message to allow for activation is sent from the license server to the client computer (column 21, lines 47-67) – *Claim 41*
- License data includes the number of licenses available for a particular program (column 14, line 65) – *Claim 42*

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 571-272-6712.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.

Art Unit: 3621

Evens J. Augustin
July 25, 2005
Art Unit 3621

Primo L. Baker
Primo L. Baker
3621